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Message Text

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PAGE 01 STATE 064068

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DRAFTED BY: L/ OA: HDCAMITTA
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R 062000 Z APR 73
FM SECSTATE WASHDC
TO AMEMBASSY MANILA
AMEMBASSY COLOMBO
AMEMBASSY TANANARIVE
AMEMBASSY NICOSIA
AMEMBASSY MOSCOW
AMEMBASSY DAR ES SALAAM
AMEMBASSY TUNIS
AMEMBASSY CARACAS

UNCLAS STATE 064068

FOLL SENT ACTION SECSTATE FROM USUN 04 APR 73 REPEATED TO YOU QUOTE

UNCLAS USUN 1184

E. O. 11652: N/ A
TAGS: PBOR
SUBJ: LOS: SUBCOMMITTEE II, APRIL 2

1. SUMMARY. PHILIPPINES INTRODUCED DRAFT ARTICLES ON NAVIGATION IN TERRITORIAL SEA AND STRAITS. U. S. COMMENTED ON ARTICLES. VENEZUELA INTRODUCED DRAFT ARTICLES BASED ON SANTO DOMINGO DECLARATION. SEVERAL OTHER DELEGATIONS SPOKE. END SUMMARY.

2. PHILIPPINES REP INTRODUCED DRAFT ARTICLES ON NAVIGATION THROUGH TERRITORIAL SEA AND STRAITS CIRCULATED LAST WEEK. SAID ARTICLES ATTEMPTED HARMONY OF TWO PRINCIPLES OF INTERNATIONAL LAW -- FREEDOM OF NAVIGATION ON HIGH SEAS AND TERRITORIAL SOVEREIGNTY OF COASTAL STATE. STATED FIVE MAIN CONSIDERATIONS UTILIZED IN DRAFTING ARTICLES:
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Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

(A) NAVIGATION THROUGH TERRITORIAL SEA AND THROUGH STRAITS SHOULD BE DEALT WITH AS ENTITY;

(B) ARTICLES SHOULD BALANCE COASTAL STATE AND INTERNATIONAL COMMUNITY INTERESTS.

(C) ARTICLES SHOULD SAFEGUARD BOTH SECURITY OF COASTAL STATES AND SAFETY OF NAVIGATION;

(D) ARTICLES SHOULD INCLUDE RULES FOR REGULATION OF SHIPS WITH " SPECIAL CHARACTERISTICS" (E. G., NUCLEAR- POWERED VESSELS);

(E) NEW REGULATIONS REQUIRED TO DEAL WITH PASSAGE OF WARSHIPS. SUMMARIZED THAT ARTICLES PRESERVED INNOCENT PASSAGE WITH ADDITION OF NEW RULES TO COVER NEW TYPES OF VESSELS AND WARSHIPS.

3. SRI LANKA REP STATED AGREEMENT WITH BASIC CONCEPT OF INNOCENT PASSAGE BUT NOTED CONCEPT NEEDS MORE OBJECTIVE CRITERIA SUCH AS IN PHILIPPINES PROPOSAL. SAID ARTICLE ON WARSHIPS SHOULD REQUIRE PRIOR NOTIFICATION IN ALL CASES FOR PASSAGE THROUGH TERRITORIAL SEA INCLUDING STRAITS, SHOULD ALSO CONSIDER AUTHORIZING COASTAL STATE TO PROHIBIT PASSAGE OF WARSHIPS THROUGH STRAITS IF INNOCENT PASSAGE RIGHT VIOLATED.

4. MADAGASCAR REP SUPPORTED RETENTION OF TERRITORIAL SEA CONCEPT AND INNOCENT PASSAGE IN TERRITORIAL SEA INCLUDING STRAITS. ALSO SUPPORTED ARCHIPELAGO PRINCIPLES AND RAISED QUESTION WHETHER UNINHABITED ISLANDS SHOULD HAVE TERRITORIAL SEA AND CONTINENTAL SHELF. STATED NO MILITARY BASES OR INSTALLATIONS COULD BE ALLOWED ON SEABED.

5. US RESPONDED TO INTRODUCTION OF ARTICLES BY PHILIPPINES. TEXT SEPTEL.

6. CYPRUS INTRODUCED DRAFT ARTICLE ON BREADTH OF TERRITORIAL SEA BETWEEN OPPOSITE OR ADJACENT STATES. STATED MAXIMUM BREADTH OF TERRITORIAL SEA SHOULD BE TWELVE MILES.

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7. USSR CRITICIZED ANY EFFORT TO DROP CLASSICAL CONCEPT

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

OF TERRITORIAL SEA AND SAID THAT TERRITORIAL SEA MAXIMUM MUST BE NO MORE THAN TWELVE MILES. STATED ARTICLES INTRODUCED BY PHILIPPINES UNACCEPTABLE. AGREED THAT COASTAL STATE SECURITY INTERESTS WOULD BE PROTECTED AND POINTED OUT THAT ALL NATIONS, INCLUDING LDC' S, HAVE INTEREST IN FREEDOM OF NAVIGATION. SAID SOVIET STRAITS PROPOSAL WOULD NOT APPLY TO STRAITS OF TIRAN AND PEMBA (OFF TANZANIA). ON FISHERIES, REP STATED USSR UNDERSTOOD LEC INTEREST BUT MUST RECOGNIZE USSR INTEREST AND STRESSED USSR WILLINGNESS PROVIDE FISHERIES ASSISTANCE TO LDC' S.

8. TANZANIA SAID INNOCENT PASSAGE GENERALLY ADEQUATE AND WELCOMED NEW ARTICLES ON ISSUE. SAID COASTAL STATES WOULD NOT IGNORE NAVIGATION INTERESTS BUT THAT FEW LARGE STATES WANTED MILITARY ADVANTAGES. ON FISHERIES, SAID FREEDOM OF FISHING HELPED VERY FEW NATIONS AND REJECTED COASTAL STATE PREFERENCE AS INADQUATE TO STOP BIG POWER MONOPOLY. SAID MUST HAVE BROAD EXCLUSIVE ECONOMIC ZONE AND WILLING TO HELP LAND- LOCKED STATES BY GIVING SPECIAL TREATMENT IN ZONE. NOTED ZONE DID NOT PRESENT MANAGEMENT PROBLEMS AS CHARGED BY SOME.

9. FIJI MADE BRIEF COMMENT THAT ALL INTERESTS SHOULD BE BALANCED SINCE STATE' S INTERESTS WILL CHANGE OVER PERIOD OF YEARS.

10 . VENEZUELAN REP INTRODUCED DRAFT ARTICLES BASED ON SANTO DOMINGO DECLARATION ON BEHALF OF VENEZUELA, COLOMBIA AND MEXICO AND NOTED TRINIDAD AND TOBAGO SUPPORTED BUT WAS NOT CO- SPONSORING. SAID SANTO DOMINGO GROUP INTENDED CONTINUE CLOSE CONSULTATIONS ON ALL ISSUES. ARTICLES COVER TERRITORIAL SEA, PATRIMONIAL SEA, CONTINENTAL SHELF, HIGH SEAS AND REGIONAL ARRANGEMENTS. NOTED SIMILARITIES WITH KENYA PROPOSALS.

11. TUNISIA RESTATED SUPPORT OF INNOCENT PASSAGE CONCEPT. ALSO DISCUSSED QUESTIONS ON ISLANDS, STATING NEED FOR DEFINITION OF DIFFERENT TYPES OF ISLANDS BASED ON CHARACTERISTICS SUCH AS GEOGRAPHY, ECONOMIC SITUATION, POPULATION, ETC. CRITERIA WOULD BE USED TO DECIDE WHICH ISLANDS RECEIVE ECONOMIC ZONE.
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PHILLIPS UNQUOTE ROGERS

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COLOMBO
DAR ES SALAAM
MANILA
MOSCOW
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TANANARIVE

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